



Treatment & Recovery Services

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October 11, 1994

Robert Stewart
U. S. Environmental Protection Agency
Region VII - RCRA Branch
726 Minnesota Avenue
Kansas City, Kansas 66101

RE: Hydrocarbon Recyclers, Inc., of Wichita, EPA ID Number KSD007246846
Comments to Draft RCRA Permit

Dear Mr. Stewart,

Enclosed you will find HRIW's comments on the draft permit issued to Hydrocarbon Recyclers, Inc. of Wichita on September 1, 1994. The comments are arranged in numerical order, corresponding to the paragraph or section numbers of the draft permit. The specific draft permit language is shown prior to the HRIW comment; alternate language is suggested (where appropriate) after discussion of the text and comments. Language to be added is displayed in redline format, and language to be deleted is displayed in ~~strikeout~~ format.

Please contact me at (316) 268-7500 if you wish to discuss our comments on the permit. I look forward to hearing from you.

Sincerely,

Steve Keiter
Facility Manager

cc: John Mitchell, KDHE

Hydrocarbon Recyclers, Inc. of Wichita
2549 North New York
Wichita, Kansas 67219

Tel: 316/268-7500
Fax: 316/268-7555

Our Mission:

Provide the highest quality waste and by-product management services that consistently meet or exceed customer needs and regulatory requirements at competitive cost while enhancing shareholder value.



R00012336
RCRA Records Center

**COMMENTS TO DRAFT RCRA PERMIT
HYDROCARBON RECYCLERS, INC. OF WICHITA
WICHITA, KANSAS
EPA ID NO. KSD007246846**

**Prepared and submitted by Hydrocarbon Recyclers, Inc. of
Wichita (also known as HRIW, HRI, and USPCI)
2549 N. New York
Wichita, Kansas**

October 11, 1994

The following comments are submitted on the draft permit issued to Hydrocarbon Recyclers, Inc. of Wichita on September 1, 1994. The comments are arranged in numerical order, corresponding to the paragraph or section numbers of the draft permit.

The specific draft permit language is shown prior to the HRIW comment; alternate language is suggested (where appropriate) after discussion of the text and comments. Language to be added is displayed in redline format, and language to be deleted is displayed in ~~strikeout~~ format.

1. FACT SHEET, Page 1, Paragraph 3

HRIW and HRI will store and/or treat 325,490 gallons of hazardous waste in containers in 27 container management units which are located in seven (7) buildings: Building D, Processing Area, Building C, Drum Dock, Building B, Building I and Building J.

COMMENT: There are actually a total of 26 individual container management units in the seven buildings (Building I has just 3 Container Management Units). The total container storage capacity is 325,490 gallons, as indicated in the Fact Sheet. The proposed alternate language is presented below. Also, HRIW finds the phrase "store and/or treat" somewhat misleading, and suggests that the language be revised as presented below.

SUGGESTED ALTERNATE LANGUAGE:

~~HRIW and HRI will store and/or treat 325,490 gallons of hazardous waste in containers in 26 27~~ container management units which are located in seven (7) buildings: Building D, Processing Area, Building C, Drum Dock, Building B, Building I and Building J. These container management units have a maximum container storage capacity of 325,490 gallons.

2. Permit Part I, Section I.A, Paragraph 1 (Page 1 of 33)

Hydrocarbon Recyclers, Incorporated of Wichita (operator) and Hydrocarbon Recyclers, Incorporated (owner) hereinafter referred to as the Permittee, is allowed to store and treat hazardous waste at its Wichita, Kansas facility in accordance with the conditions of this Permit. Any treatment, storage or disposal of hazardous waste not authorized in this Permit is prohibited. The federal regulations are adopted by reference in Kansas Administrative Regulations (K.A.R.) 28-31-1 through 28-31-14. All citations to federal regulations are for the sake of convenience. In situations where state regulations differ from the federal ones, they are also referenced.

**Comments to Draft RCRA Permit
for Hydrocarbon Recyclers Inc. of Wichita
Prepared by HRIW
October 11, 1994**

COMMENT: This paragraph does not specify which regulations take primacy in the event of a conflict between the state regulations and the federal regulations. HRIW suggests that the following sentence be added at the end of the above-referenced paragraph.

SUGGESTED ALTERNATE LANGUAGE:

... In situations where state regulations differ from the federal ones, they are also referenced. In the event of conflict between the state and federal regulations, the state regulations govern the operations under the terms of this Permit.

3. Section I.E.9.b (Page 5 of 33)

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Secretary at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. [40 CFR 264.74(b) and 270.30(j)(2)] The permittee shall maintain records from all groundwater monitoring wells for the active life of the facility and post-closure care period for disposal facilities.

COMMENT: HRIW suggests that the wording of this permit condition be revised as suggested below, to clarify that those recordkeeping requirements do not apply to materials not handled at the facility (e.g., pre-qualification information for wastes not accepted at the facility).

SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall retain records of all monitoring information for all wastes received and generated at the facility, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. ...

4. I.E.16.a (Page 7 of 33)

The permittee shall defend, indemnify, and hold harmless the State of Kansas, its officers, agents, and employees officially or personally against all action, claims, and demands whatsoever which may arise from or on account of the issuance of this Permit or the construction or maintenance of any facilities hereunder.

**Comments to Draft RCRA Permit
for Hydrocarbon Recyclers Inc. of Wichita
Prepared by HRIW
October 11, 1994**

COMMENT: HRIW understands that this permit condition specifically protects the State from liabilities related to the permittee's operations and actions at the HRIW facility. Furthermore, we understand that this permit condition does not indemnify any agent of the State from his or her illegal acts or acts of negligence while at the HRIW facility. HRIW requests that permit condition be revised to clarify that the indemnification applies specifically to issuance of this permit and to actions undertaken by the permittee and its agents.

SUGGESTED ALTERNATE LANGUAGE:

The permittee shall defend, indemnify, and hold harmless the State of Kansas, its officers, agents, and employees officially or personally against all action, claims, and demands whatsoever which may arise from or on account of the issuance of this Permit or the construction or maintenance of any facilities hereunder by the permittee or its agents. The foregoing does not indemnify any agent of the State from his or her illegal acts or acts of negligence while at the HRIW facility.

5. Section I.F (Page 7 of 33)

All applications, reports, or information submitted to or requested by the Secretary, a designee, or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11 and 270.30(k).

COMMENTS: Not all communications and information require a certification statement; the certification will be provided in accordance with 40 CFR 270.11 and 270.30(k). Suggested alternate language is provided below.

SUGGESTED ALTERNATE LANGUAGE:

All applications, reports, or information submitted to or requested by the Secretary, a designee, or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11 and 270.30(k), as appropriate.

6. II.B.1, Hazardous Waste Imports (Page 9 of 33)

The Permittee shall notify the Secretary in writing at least four (4) weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by 40 CFR 264.12(a). The initial shipment notice shall contain the following exporter or foreign source information; name, address, EPA identification number, EPA hazardous waste numbers and quantity of each waste. Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

**Comments to Draft RCRA Permit
for Hydrocarbon Recyclers Inc. of Wichita
Prepared by HRIW
October 11, 1994**

COMMENT: The regulations referenced in this permit condition (40 CFR 264.12(a)) do not require annual repetitions of the initial shipment notice for hazardous wastes from a foreign source. HRIW believes that annual repetition of this notice will not provide any added information, and will simply generate additional paperwork for the generator, the HRIW facility, and the regulatory agencies. HRIW requests that the permit condition be modified as presented below to correspond directly with the federal regulations.

SUGGESTED ALTERNATE LANGUAGE:

... Notice of subsequent shipments of the same waste from the same foreign source ~~in the same calendar year~~ is not required.

7. II.B.2, Hazardous Waste from Off-Site Sources (Page 9 of 33)

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate Permits, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. [40 CFR 264.12(b)]

COMMENT: HRIW understands that this notice need not be repeated for a given waste stream from a given generator.

8. II.C, GENERAL WASTE ANALYSIS (Page 9 of 33, Paragraph 2)

The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, ...

COMMENT: 40 CFR 264.13 does not specify a frequency for verification analysis of waste streams. 40 CFR 264.13(a)(3) requires that analyses be verified whenever there is reason to believe that the process or operation generating a waste stream has changed or when waste receipts do not match the manifest or shipping papers. 40 CFR 264.13(b)(4) requires that the Waste Analysis Plan include a discussion of "[t]he frequency with which the initial analysis of waste will be reviewed or repeated to ensure that the analysis is accurate and up to date." In the Waste Analysis Plan included with Section C of the Part B permit application, HRIW designated a verification analysis frequency of once every two years; if there is reason to believe that the characteristics of a given waste may have changed, the verification analysis will be repeated more frequently. This frequency is more than adequate, because wastes accepted at the facility are subject to incoming load procedures, which will identify any significant changes in waste stream characteristics from the profiles and from previous loads of the same stream.

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for Hydrocarbon Recyclers Inc. of Wichita
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HRIW understands that this permit condition does not apply to wastes no longer received at the facility (i.e., wastes received one or more times in the past but no longer accepted at the facility for whatever reason).

Suggested alternate permit language is provided below.

SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall verify the analysis of each waste stream ~~annually~~ at least once every two years as part of its quality assurance program, ...

9. II.L.3. Notification of Closure (Page 13 of 33)

The Permittee shall notify the Secretary in writing at least forty-five (45) days prior to the date on which they expect to begin partial and final closure of the facility, as required by 40 CFR 264.112(d).

COMMENT: HRIW suggests a minor wording change to this permit condition, to clarify that notification of a partial closure at HRIW will not occur at the same time as notification of final closure.

SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall notify the Secretary in writing at least forty-five (45) days prior to the date on which they expect to begin partial ~~or~~ and final closure of the facility, as required by 40 CFR 264.112(d).

10. III.A (Page 16 of 33)

There are a total of seven (7) container management areas; Building D, Processing Area, Building C, Drum Dock, Building B, Building I, and Building J utilized for container storage and/or treatment of hazardous waste which are covered by the Permit. All of the buildings are enclosed structures fabricated of metal or cinder block with secondary containment. The secondary containment consists of concrete diking/walls or cinder block construction on concrete pads that are free of cracks. Secondary containment in several areas have continuous water stops in construction joints and/or are sealed with a chemically resistant coating for added protection. The secondary containment in each building is subdivided into container management units in accordance with the specification and plans in the Part B permit application with perimeter curbs (diking) to contain potential spills and to prevent run-on and run-off.

COMMENT: As described in Section D of the permit application, the processing area and drum dock are not enclosed structures. HRIW requests that the permit language be revised as suggested below.

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for Hydrocarbon Recyclers Inc. of Wichita
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October 11, 1994**

The descriptions of waste types under items III.A.1 through III.A.7 explain the typical wastes handled in the various container management areas. However, any waste type can be handled in any building, except as specified in the permit application and in the permit. HRIW suggests that the permit condition be revised to include another sentence, as presented below.

SUGGESTED ALTERNATE LANGUAGE:

There are a total of seven (7) container management areas; Building D, Processing Area, Building C, Drum Dock, Building B, Building I, and Building J utilized for container storage and/or treatment of hazardous waste which are covered by the Permit. All of the buildings, with the exception of the Processing Area and the Drum Dock, are enclosed structures fabricated of metal or cinder block, all have with secondary containment. The secondary containment consists of concrete diking/walls or cinder block construction on concrete pads that are free of cracks. Secondary containment in several areas have continuous water stops in construction joints and/or are sealed with a chemically resistant coating for added protection. The secondary containment in each building is subdivided into container management units in accordance with the specification and plans in the Part B permit application with perimeter curbs (diking) to contain potential spills and to prevent run-on and run-off.

All wastes accepted at the facility can be managed in any container management unit, except as specifically excluded elsewhere in this permit.

11. III.A.6 (Page 17 of 33)

III.A.6. Building I is divided into four (4) container management units; I100, I200, I300, and I400. The materials managed in these four (4) units are ignitable, non-ignitable, reactive, non-reactive, and other hazardous wastes. These materials are destined for on-site management, recycling as waste fuel, wastewater management, solvent recovery or transport off-site for additional management.

COMMENT: Building I, as constructed and approved for operation by the KDHE, has three container management units, with a total waste storage capacity of 50,600 gallons. Suggested revised language is presented below.

SUGGESTED ALTERNATE LANGUAGE:

III.A.6. Building I is divided into three (3) ~~four (4)~~ container management units; I100, I200, and I300, ~~and I400~~. The materials managed in these three (3) ~~four (4)~~ units are ignitable, non-ignitable, reactive, non-reactive, and other hazardous wastes. These materials are destined for on-site management, recycling as waste fuel, wastewater management, solvent recovery or transport off-site for additional management.

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12. III.B.3 (Page 17 of 33)

The Permittee is allowed to store and/or treat a maximum volume of three hundred twenty five thousand four hundred and ninety (325,490) gallons of hazardous waste in the areas described in III.A., provided that the maximum capacity of each container management unit specified below is not exceeded, subject to the terms of this Permit.

COMMENT: HRIW understands that the maximum capacity of 325,490 gallons applies to container storage at the facility at any given time. HRIW suggests that the language of this permit condition be revised as presented below.

SUGGESTED ALTERNATE LANGUAGE:

The Permittee is allowed to store ~~and/or treat~~ a maximum volume of three hundred twenty five thousand four hundred and ninety (325,490) gallons of hazardous waste in the areas described in III.A., provided that the maximum capacity of each container management unit specified below is not exceeded, subject to the terms of this Permit.

13. Table, Page 19 of 33

LOCATION	CONTAINER MANAGEMENT UNIT	MAXIMUM CAPACITY (GALLONS)	REMARK
...			
Building I	I100	22,880	**
	I200	3,520	
	I300	7,040	
	I400	<u>17,160</u>	
Total Capacity of Building I		50,600	
...			

COMMENT: Building I, as constructed and approved for operation by the KDHE, has three container management units, with a total waste storage capacity of 50,600 gallons.

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for Hydrocarbon Recyclers Inc. of Wichita
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SUGGESTED ALTERNATE LANGUAGE:

LOCATION	CONTAINER MANAGEMENT UNIT	MAXIMUM CAPACITY (GALLONS)	REMARK
...			
Building I	I100	22,880	**
	I200	3,520	
	I300	24,200 7,040	
	I400	<u>17,160</u>	
Total Capacity of Building I		50,600	
...			

14. IV.B.2 (Page 22 of 33)

The Permittee is allowed to store and/or treat a maximum volume of one hundred thirty seven thousand nine hundred and eighty seven (137,987) gallons of hazardous waste at the facility, provided that the maximum capacity of each tank specified below is not exceeded, subject to the terms of this Permit.

COMMENT: HRIW finds this permit condition somewhat misleading, and suggests the following alternate permit language.

SUGGESTED ALTERNATE LANGUAGE:

The Permittee is allowed to store ~~and/or treat~~ a maximum volume of one hundred thirty seven thousand nine hundred and eighty seven (137,987) gallons of hazardous waste ~~in storage and treatment tanks~~ at the facility, provided that the maximum capacity of each tank specified below is not exceeded, subject to the terms of this Permit.

15. IV.E. RESPONSE TO LEAKS OR SPILLS (Page 25 of 33)

In the event of a leak or a spill from the tank system, ...

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for Hydrocarbon Recyclers Inc. of Wichita
Prepared by HRIW
October 11, 1994**

COMMENT: Because there is more than one tank system at the HRIW facility, HRIW suggests that the wording of this permit condition be revised as presented below.

SUGGESTED ALTERNATE LANGUAGE:

In the event of a leak or a spill from ~~a~~ the-tank system, ...

16. IV.G.1 (Page 27 of 33)

The Permittee shall report to the Secretary, within twenty-four (24) hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. [40 CFR 264.196(d)(1)]

A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported. [40 CFR 264.196(d)(2)]

Releases that are contained within a secondary containment system need not be reported unless the secondary containment cracks. If the Permittee has reported the release pursuant to 40 CFR Part 302, this report satisfies the requirements of this permit condition. [40 CFR 264.196(d)(1)]

COMMENT: HRIW suggests that the language in the first paragraph of this permit condition be revised to indicate a verbal report is required within 24 hours. Because there is more than one tank system at the HRIW facility, HRIW suggests that the wording in the first paragraph of this permit condition be revised as presented below. HRIW also suggests that the wording of the last sentence of the third paragraph of this permit condition be revised as presented below.

SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall ~~report~~ verbally report to the Secretary, within twenty-four (24) hours of detection, when a leak or spill occurs from ~~a~~ the-tank system or secondary containment system to the environment. [40 CFR 264.196(d)(1)]

A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported. [40 CFR 264.196(d)(2)]

Releases that are contained within a secondary containment system need not be reported unless the secondary containment cracks. If the Permittee has reported the release pursuant to 40 CFR Part 302, ~~that~~ this report satisfies the requirements of this permit condition. [40 CFR 264.196(d)(1)]

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17. IV.G.2 (Page 27 of 33)

Within thirty (30) days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Secretary: [40 CFR 264.196(d)(3)]

COMMENT: HRIW suggests that the wording of this permit condition be revised as suggested below, to clarify that this is a written report.

SUGGESTED ALTERNATE LANGUAGE:

Within thirty (30) days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information, ~~in writing,~~ to the Secretary: [40 CFR 264.196(d)(3)]

18. IV.I.1.a (Page 28 of 33)

The waste is treated, rendered, or mixed before or immediately after placement in the tank system, so that the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste in 40 CFR 261.21 or 261.23 and 40 CFR 264.17(b) is complied with.

COMMENT: The punctuation in this permit condition differs from that in the federal regulations. HRIW suggests that the permit condition be changed as presented below, to be consistent with the regulations.

SUGGESTED ALTERNATE LANGUAGE:

The waste is treated, rendered, or mixed before or immediately after placement in the tank system, so that the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste in 40 CFR 261.21 or 261.23 and 40 CFR 264.17(b) is complied with, ~~or-~~

19. IV.I.1.c (Page 28 of 33)

The Permittee shall also comply with the procedures specified in Operational Practice - Section E-3 and Procedures to Prevent Hazards - Section J of the Part B permit application. [40 CFR 264.199(a)]

COMMENT: HRIW believes that this reference is incorrect; the correct permit reference should be to 40 CFR 264.198(a).

**Comments to Draft RCRA Permit
for Hydrocarbon Recyclers Inc. of Wichita
Prepared by HRIW
October 11, 1994**

SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall also comply with the procedures specified in Operational Practice - Section E-3 and Procedures to Prevent Hazards - Section J of the Part B permit application. [40 CFR 264.198(a)199(a)]

20. IV.I.2 (Page 28 of 33)

The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981). [40 CFR 264.199(b)]

COMMENT: HRIW believes that this reference is incorrect; the correct permit reference should be to 40 CFR 264.198(a).

SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981). [40 CFR 264.198(b)199(b)]

21. V.F. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall not treat or place any wastes which meet the definition of ignitable or reactive waste (D001 and D003), as defined in 40 CFR 261.21 and 261.23, in a Subpart X unit. The Permittee shall not concurrently treat incompatible wastes in a Subpart X unit. The Permittee shall not treat a waste in a Subpart X unit if an incompatible waste has been previously treated in the same Subpart X unit, unless 3 unit volumes (as defined in the Part B permit application) of compatible material has been processed through the Subpart X unit since the incompatible waste was processed.

COMMENT: HRIW strongly objects to the first sentence of this permit condition. Under Interim Status, HRIW has been processing ignitable and reactive wastes in these processing units, which are now considered to be Subpart X units under the federal regulations. These units were specifically designed and installed to handle these types of wastes. Furthermore, these units are operated to prevent accidental ignition or reaction of these wastes, as discussed in detail in Sections D, E, G, and M of the Part B permit application, which is incorporated by reference into this permit.

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Four of the Subpart X units (the dryer, drum scraper, drum washer, and dispersing unit) have been engineered to minimize potential ignition sources, making the probability of accidental ignition of ignitibles extremely low. For the other two Subpart X units (the shredder and granulator) HRIW uses a Threshold Limit Value (TLV) sniff test prior to waste processing to evaluate for the presence of ignitable vapors. If the sniff test detects vapors at 50% of the TLV for ignition, the waste is not processed through the shredder or granulator.

Sections D, E, and G of the permit application describe the conditions under which mixing of incompatibles is allowed at the facility. Basically, incompatibles may be intentionally mixed under controlled situations as part of treatment activities.

HRIW requests that the permit condition be revised as presented below.

SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall not treat or place any wastes which meet the definition of ~~ignitable or reactive waste (D001 and D003)~~, as defined in 40 CFR 261.21 and 261.23, in the disperser a Subpart X unit. The Permittee shall not concurrently place ~~treat~~ incompatible wastes in a Subpart X unit ~~unless that placement constitutes controlled treatment of the wastes~~. The Permittee shall not treat a waste in a Subpart X unit if an incompatible waste has been previously treated in the same Subpart X unit, unless 3 unit volumes (as defined in the Part B permit application) of compatible material has been processed through the Subpart X unit since the incompatible waste was processed.

22. V.G. PREPAREDNESS AND PREVENTION (Page 30 of 33)

COMMENT: This entire section duplicates the requirements of Section II.I of the permit. HRIW suggests that all of Section V.G be removed from the permit, and that the remaining sections be renumbered.

23. V.H. CONTINGENCY PLAN (Pages 30 and 31 of 33)

COMMENT: This entire section duplicates the requirements of Section II.J of the permit. HRIW suggests that all of Section V.H be removed from the permit, and that the remaining sections be renumbered.

24. V.I. RECORDKEEPING AND REPORTING (Page 31 of 33)

COMMENT: This entire section duplicates the requirements of Section II.K of the permit. HRIW suggests that all of Section V.I be removed from the permit, and that the remaining sections be renumbered.

25. V.J. GENERAL CLOSURE REQUIREMENTS (Pages 31 and 32 of 33)

COMMENT: This entire section duplicates the requirements of Section II.L of the permit. Furthermore, conditions V.J.1, V.J.4, and V.J.5 make reference to "the Closure Plan in Section O" of the permit application; there is no Section O to the HRIW permit application. The Closure Plan in Section J of the permit application addresses all regulated units, including the Subpart X units. HRIW suggests that all of Section V.J be removed from the permit, and that the remaining sections be renumbered.

26. V.K. GENERAL POST-CLOSURE REQUIREMENTS (Page 32 of 33)

COMMENT: This entire section appears to more appropriately belong in Section II of the permit. HRIW suggests that Section V.K be moved and renamed Section II.Q, and that the remaining sections be renumbered.

27. V.I. COST ESTIMATE FOR FACILITY CLOSURE (Pages 32 and 33 of 33)

COMMENT: This entire section duplicates the requirements of Section II.M of the permit. HRIW suggests that all of Section V.L be removed from the permit, and that the remaining sections be renumbered.

28. V.M. FINANCIAL ASSURANCE FOR FACILITY CLOSURE (Page 33 of 33)

COMMENT: This entire section duplicates the requirements of Section II.N of the permit. HRIW suggests that all of Section V.M be removed from the permit, and that the remaining sections be renumbered.

29. V.N. AIR EMISSIONS FROM PROCESS VENTS AND EQUIPMENT LEAKS (Page 33 of 33)

COMMENT: This entire section duplicates the requirements of Section VI.6 of Part II of this permit (the EPA/HSWA component). HRIW suggests that all of Section V.N be removed from Part I of the permit.

30. Part II, Page 1 of 39, Paragraph 1

... Hydrocarbon Recyclers Inc. of Wichita, Kansas, D.B.A. USPCI Treatment and Recovery Services (owner and operator), hereafter referred to as ...

COMMENT: HRIW is operated by Hydrocarbon Recyclers Inc. of Wichita, Kansas. The legal owner of HRIW is Hydrocarbon Recyclers, Inc.; the facility also does business as USPCI Treatment and Recovery Services.

SUGGESTED ALTERNATE LANGUAGE:

... Hydrocarbon Recyclers Inc. of Wichita, Kansas (operator), D.B.A. Hydrocarbon Recyclers, Inc. (owner) and USPCI Treatment and Recovery Services (owner and operator), hereafter referred to as ...

31. VI. GENERAL PROVISIONS, 1. DEFINITIONS (Page 5 of 39)

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes and/or hazardous constituents.

COMMENT: This definition is derived from the definition of "release" that is included in the National Contingency Plan (40 CFR 300.5). However, HRIW will periodically discard containers that contain or have contained hazardous wastes, by sending the containers for reclamation, disposing off-site in an approved facility, or other allowable means under the RCRA regulations. HRIW requests that the language in this definition be revised to clarify that "discarding" containers via an approved disposal or reclamation facility does not constitute a release.

SUGGESTED ALTERNATE LANGUAGE:

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment, including the uncontrolled abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes and/or hazardous constituents, except for the treatment and disposal of hazardous waste, containers, barrels, or other receptacles at properly permitted facilities.

32. VI.4.A. LAND DISPOSAL RESTRICTIONS (Page 14 of 39)

The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of Part II of this permit, as these requirements are self-implementing provisions of HSWA. The Permittee is not subject to the land disposal restrictions if the applicable treatment standard is met, the waste is exempt under 40 CFR 268.1(c), the waste is subject to a variance, or any other exemption in 40 CFR Part 268 applies.

COMMENT: HRIW suggests the following changes to the language of this permit condition, to more accurately reflect the applicability of the land disposal restrictions and the conditions under which these restrictions do not apply.

SUGGESTED ALTERNATE LANGUAGE:

The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of Part II of this permit, as these requirements are self-implementing provisions of HSWA. ~~The Permittee is not subject to~~ The land disposal restrictions do not apply if the applicable treatment standard is met, the waste is exempt under 40 CFR 268.1(c), the waste is subject to a variance, or any other exemption in 40 CFR Part 268 applies.

33. VII.1, Second paragraph (Page 17 of 39)

The EPA has conducted a RCRA Facility Assessment (RFA) to identify releases or potential releases from any SWMU at the facility, and to identify any other areas of concern. The draft RFA report, dated September 24, 1990, identified the following SWMUs and areas of concern (AOC) at the Permittee's facility:

COMMENT: HRIW's review of the Draft RCRA Facility Assessment (RFA) shows significant inaccuracies in the descriptions of current and past operations and units at the HRIW facility. HRIW requests the opportunity to review and comment on the Draft RFA before it becomes a final document. In the event that the Draft RFA is not finalized before the RFI Workplan is requested, HRIW reserves the right to correct the errors in information from the RFA to reflect actual current and past conditions at the facility.

34. VII.1., List of SWMUs (Page 17 of 39)

SWMUs

Process Area Storage Tanks
Waste Blending and Drum Processing Area
Former Drum Processing Area (classified as AOC in draft RFA)
Process Area Truck Bay
Sparging Area
Hot Room
Elevated Tank Storage Area
Nonregulated Waste Storage Area
Solids Dryer (classified as AOC in draft RFA)
Drum Crusher
Crushed Drum Roll-Off Boxes
Warm Room
Dock Area
Drum Storage Warehouse (Building C)
Building J (classified as AOC in draft RFA)

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**Corrosive Waste Storage Area
Dry Solids Gondola
Open Area Along the Southwest Corner
Open Area North of Building I (classified as AOC in draft RFA)**

Areas of Concern

**Laboratory Sample Storage Area
Vehicle Fueling Tanks
Building I
Concrete Vault**

Subsequent to the draft RFA report, several other SWMUs have been identified at the facility:

Additional SWMUs

**Paint Can Burial Pit
Cyclone
Old Still Area West of Building I
Area East of Building I
Area South of Building C**

COMMENT: The Warm Room included in the list of SWMUs, also known as Building F, was clean-closed in 1992. The entire building was removed during closure, as was the underlying concrete and soils. The certification of that closure, dated September 21, 1992, has been provided to the KDHE and the U.S. EPA, and is also available in the HRIW records. In a letter signed by John Mitchell, dated November 3, 1992, KDHE accepted the certification of clean closure for Building F. The clean-closed area was paved over with concrete in 1992. HRIW requests that the Warm Room be removed from the list of SWMUs.

The SWMU defined as "Area South of Building C" encompasses two other SWMUs: the "Dry Solids Gondola" and the "Open Area Along the Southwest Corner." HRIW requests that these three SWMUs be consolidated into a single SWMU, as presented in the revised language below.

SUGGESTED ALTERNATE LANGUAGE:

SWMUs

**Process Area Storage Tanks
Waste Blending and Drum Processing Area
Former Drum Processing Area (classified as AOC in draft RFA)
Process Area Truck Bay
Sparging Area**

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Hot Room
Elevated Tank Storage Area
Nonregulated Waste Storage Area
Solids Dryer (classified as AOC in draft RFA)
Drum Crusher
Crushed Drum Roll-Off Boxes
~~Warm Room~~
Dock Area
Drum Storage Warehouse (Building C)
Building J (classified as AOC in draft RFA)
Corrosive Waste Storage Area
~~Dry Solids Gondola~~
~~Open Area Along the Southwest Corner~~
Open Area North of Building I (classified as AOC in draft RFA)

Areas of Concern

Laboratory Sample Storage Area
Vehicle Fueling Tanks
Building I
Concrete Vault

Subsequent to the draft RFA report, several other SWMUs have been identified at the facility:

Additional SWMUs

Paint Can Burial Pit
Cyclone
Old Still Area West of Building I
Area East of Building I
Area South of Building C (including Dry Solids Gondola and Open Area Along the Southwest Corner, as described in the Draft RFA)

35. VII.2.E (Page 19 of 39)

... At a minimum, the Report shall provide the following information for each newly-identified SWMU: ...

COMMENT: Any new SWMUs that may be identified subsequent to issuance of this permit would probably stem from activities at the facility location that pre-date HRIW's involvement at the site. For this reason, it is likely that some of the information requested in items E.1 through E.10 will not be available, or will be approximations or reasoned guesses. For this reason, HRIW requests that the language in the permit condition be revised as suggested below.

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SUGGESTED ALTERNATE LANGUAGE:

... At a minimum, the Report shall provide the following information, ~~to the fullest extent possible~~ for each newly-identified SWMU: ...

36. VII.4.A (Page 20 of 39)

... The Permittee shall submit the RFI Workplan to EPA within ninety (90) calendar days of receipt of a written notice from EPA requiring the submittal of the RFI Workplan.

COMMENT: A later permit condition (VII.4.B.4, Page 24 of 39) specifies a time frame of 120 days for submittal of the RFI Workplans. This time-frame allows for better development of the RFI procedures and project team. HRIW requests that permit condition VII.4.A be revised to specify a period of 120 days for preparation of the initial RFI Workplan following notice from the EPA. Suggested alternate language is provided below.

SUGGESTED ALTERNATE LANGUAGE:

... The Permittee shall submit the RFI Workplan to EPA within ~~one hundred twenty (120)~~ ninety (90)-calendar days of receipt of a written notice from EPA requiring the submittal of the RFI Workplan.

37. VII.4.B (Page 21 and 22 of 39)

SWMUs to be Investigated ...

• Waste Blending and Drum Processing Area	(3)*
• Former Drum Processing Area	(3)*
• Drum Crusher	(3)*
• Crushed Drum Roll-off Boxes	(3)*
• Dock Area	(3)*
• Drum Storage Warehouse	(3)*
• Dry Solids Gondola	(3)
• Open Area Along Southwest Corner	(3)
• Open Area North of Building I	(2,3)
• Concrete Vault	(3)
• Paint Can Burial Pit	(1,2,3)
• Old Still Area West of Building I	(3)
• Area East of Building I	(3)
• Area South of Building C	(3)

COMMENT: The "Dry Solids Gondola" and the "Open Area Along Southwest Corner" both fall into the area covered by the "Area South of Building C." As discussed in earlier comments, HRIW requests that these units be combined into a single SWMU. Proposed alternate permit language is provided below.

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SUGGESTED ALTERNATE LANGUAGE:

SWMUs to be Investigated ...

● Waste Blending and Drum Processing Area	(3)*
● Former Drum Processing Area	(3)*
● Drum Crusher	(3)*
● Crushed Drum Roll-off Boxes	(3)*
● Dock Area	(3)*
● Drum Storage Warehouse	(3)*
● Dry Solids Gondola	(3)
● Open Area Along Southwest Corner	(3)
● Open Area North of Building I	(2,3)
● Concrete Vault	(3)
● Paint Can Burial Pit	(1,2,3)
● Old Still Area West of Building I	(3)
● Area East of Building I	(3)
● Area South of Building C (including Dry Solids Gondola and Open Area Along Southwest Corner)	(3)

38. VII.4.B.1 (Page 22 of 39)

The characterization of a SWMU must include the following: ...

COMMENT: Some of the SWMUs listed in the permit arose from activities at the facility location that pre-date HRIW's involvement at the site. For these SWMUs, some of the information requested in items 1.a through 1.i are not available, or cannot be documented. For this reason, HRIW requests that the language in the permit condition be revised as suggested below.

SUGGESTED ALTERNATE LANGUAGE:

The characterization of a SWMU must include the following, to the fullest extent possible: ...

39. VII.4.C.1.b (Page 26 of 39)

The amount, types, and concentration of contamination coming onsite from offsite sources.

COMMENT: HRIW may not be able to characterize the total amount of contaminant migrating on-site from adjacent properties, because HRIW may not have access to data identifying the extent of the release(s) that have caused that contamination. However, HRIW will characterize the types and concentrations of contaminants at the upgradient site boundary, and will attempt to gather the necessary information to extrapolate the total amount of contaminant migrating onto our property.

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HRIW suggests that the permit condition be revised as presented below.

SUGGESTED ALTERNATE LANGUAGE:

The ~~amount~~, types, and concentration of contamination coming onsite from offsite sources (i.e., at the upgradient site boundary).

40. VII.4.C.3.b (Page 27 of 39)

The results of analysis shall be reported in the first quarterly report due after the results are received. ...


COMMENT: Permit condition VII.11 (Page 32 of 39) requires triannual progress reports (once every four months). HRIW suggests that permit condition VII.4.C.3.b be revised as presented below to ensure consistency with permit condition VII.11.

SUGGESTED ALTERNATE LANGUAGE:

The results of analysis shall be reported in the first ~~triannual~~ quarterly report due after the results are received. ...

41. VII.4.C.3.b (Page 28 of 39)

... The analytical results shall be submitted on diskette in the format requested by the Director. Three hard copies of the analytical results shall also be submitted.

COMMENT: HRIW assumes that a 3½ inch, high-density (1.44 kB) diskette, formatted under DOS with ASCII text, will be acceptable. 

42. VII.7.B (Page 30 of 39)

The Permittee shall submit a CMS Plan to the Director within sixty (60) calendar days of notification of the requirement to conduct a CMS.

COMMENT: Preparation of a CMS Plan for a facility such as HRIW, with the multiple SWMUs, the adjacent land uses, and the proximity to a Superfund site, will be a complicated process. HRIW requests that the permit condition be revised as suggested below to allow ninety (90) days for submittal of the CMS Plan.

SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall submit a CMS Plan to the Director within ~~ninety (90) sixty (60)~~ calendar days of notification of the requirement to conduct a CMS.

43. VII.10 FINANCIAL ASSURANCE FOR CORRECTIVE ACTION (Page 32 of 39)

... The effective financial assurance requirement shall be that as specified in either the final regulations or regulations proposed in the Federal Register. ...

COMMENT: Regulations that have been proposed in the Federal Register but not yet promulgated do not have the force of law. Furthermore, it is common for proposed regulations to undergo significant revision prior to being promulgated as final regulations. HRIW objects to a permit condition requiring compliance with regulations which have not yet been promulgated, and requests that the permit condition be revised as presented below.

SUGGESTED ALTERNATE LANGUAGE:

... The effective financial assurance requirement shall be that as specified in either the ~~code of federal final regulations or regulations proposed in the~~ Federal Register. ...

44. FACILITY SUBMISSION SUMMARY, Attachment A (Pages 35 and 36 of 39)

<u>Facility Submission Requirements</u>	<u>Due Date</u>
...	
RFI Workplan for SWMU(s) identified at time of permit issuance	Ninety (90) calendar days after notification
...	
CMS Plan	Sixty (60) calendar days after notification of requirement to perform CMS
...	

COMMENT: HRIW suggests that this table be revised as presented below to incorporate changes requested elsewhere in this comment document.

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SUGGESTED ALTERNATE LANGUAGE:

Facility Submission Requirements

Due Date

...

RFI Workplan for SWMU(s)
identified at time of permit
issuance

One hundred twenty
(120) ~~Ninety (90)~~
calendar days after
notification

...

CMS Plan

Ninety (90) ~~Sixty (60)~~
calendar days after
notification of
requirement to
perform CMS

...